

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JWW REALTY COMPANY, LLC,
Plaintiff,

v.

TEX STAR CAN, LLC, *et al.*,
Defendants.

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CIVIL ACTION NO. H-05-2628

MEMORANDUM AND ORDER

Pending before the Court is Defendant Navasota Abstract & Title Company's ("Navasota Abstract") Motion to Dismiss for Lack of Subject Matter of Jurisdiction ("Motion to Dismiss") [Doc. # 5]. Navasota Abstract is the only defendant who has entered an appearance in this case.¹


In the complaint, Plaintiff alleged the Court had "jurisdiction over the lawsuit under 28 U.S.C. § 1332(a)(1) because the Plaintiff and Defendants are citizens of different states and the amount in controversy exceeds \$75,000, excluding interests and costs." Complaint, ¶ 3. Navasota Abstract contends the Court lacks subject matter because the amount in controversy here, exclusive of interest and costs, is less than \$75,000. Motion to Dismiss, at 1. Navasota Abstract thus moves to dismiss this case without prejudice pursuant to Federal Rule of Civil Procedure 12(b)(1). *Id.*

¹ Plaintiff has also sued defendants Tex Star Can, L.L.C. and Andy Gabor.

On November 21, 2005, Plaintiff advised the Court that “the amount in controversy is below the \$75,000 requirement [of § 1332(a)(1)].”² Accordingly, Plaintiff further advised that it was not opposed to the Motion to Dismiss.³ It is therefore

ORDERED that Navasota Abstract’s Motion to Dismiss [Doc. # 5] is **GRANTED** and this case is **DISMISSED WITHOUT PREJUDICE**.

SIGNED at Houston, Texas, this **23rd** day of **November 2005**.



Nancy F. Atlas
United States District Judge

² Letter dated November 21, 2005, from Plaintiff’s counsel to Court.

³ *Id.*